

**ALHOVSKY'S EXHIBITS 1-3 IN SUPPORT OF HIS
OPPOSITION TO DEFENDANT'S FRCP 56 MOTION**

ORIGINAL

AL 1

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X

2 ALEXANDER ALHOVSKY,

3 PLAINTIFF,

4 Index No.
5 07 CIV 7628 (CM)

6 -against-

7 THOMAS RYAN, NEW YORK CITY POLICE
8 DEPARTMENT DETECTIVES "1-5," NEW YORK
9 CITY POLICE DEPARTMENT OFFICERS "1-10,"
10 JACK T. LINN, STEVE SIMON, RAY BROWN,
11 BARBARA JOYNER, the NEW YORK CITY
12 DEPARTMENT OF PARKS AND RECREATION,
13 and the CITY OF NEW YORK,

14 DEFENDANTS.

-----X

15

16 DATE: January 10, 2008

17 TIME: 10:10 a.m.

18

19 EXAMINATION BEFORE TRIAL of the Plaintiff,
20 ALEXANDER ALHOVSKY, taken by the Defendants, pursuant to a
21 Court Order, held at the offices of Michael A. Cardozo,
22 Esq., Corporation Counsel, New York City Law Department,
23 100 Church Street, New York, New York 10007, before a
24 Notary Public of the State of New York.

25

ALHOVSKY

1 before you came to testify?

2 A. No.

3 Q. Did you create any writings yourself about this
4 incident?

5 A. No.

6 Q. Apart from this case, have you ever been a
7 plaintiff in a civil lawsuit?

8 A. No.

9 Q. Have you ever been a defendant in a civil
10 lawsuit?

11 A. No.

12 Q. Have you ever been a witness in an civil
13 lawsuit?

14 A. No.

15 Q. Have you ever brought any actions against the
16 City of New York?

17 A. Never.

18 Q. Have you ever filed a Notice of Claim against
19 the City of New York?

20 A. I did file, um, a property claim with the
21 controller office as far as the -- in regards to the
22 belongings that was seized. Taken from me and destroyed.

23 Q. And that would be relating to which incident?

24 A. That would be relating to the police arrest.

25 That was -- the balloon pump that they messed up, with some
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ALHOVSKY

1 sort of like anti-explosive spray, like the electricity
2 wouldn't travel, and the bags, my portfolio bag was cut open
3 (indicating) the way that you could not use it. That was
4 it. A, you know, fairly expensive bag. Just, you know,
5 the, the property with the controller office.

6 Q. Do you know when you filed that claim?

7 A. Um, yes. I, I have to look at the, the receipt
8 (indicating). I cannot tell you the date of it.

9 Q. Do you have that receipt with you?

10 A. I might.

11 You want me --

12 THE WITNESS: Shall I? I think I have
13 it. I might. I don't know.

14 MR. ERLANGER: (No verbal response.)

15 A. (Searching.)

16 Yeah. I have --

17 MR. ERLANGER: Let me see that.

18 THE WITNESS: Environmental control
19 board.

20 No, that's not it.

21 (Handing.)

22 Oh, there you go. Controller office.

23 There it is.

24 (Handing.)

25 MR. ERLANGER: It's an acknowledgment of

ALHOVSKY

1 days. That's for sure.

2 MR. ERLANGER: Alex, don't say anything.

3 Just respond to the questions.

4 Q. Now, directing your attention to June 25th of
5 2006, do you recall working on that date?

6 MR. ERLANGER: Objection.

7 Objection to foundation.

8 A. Yes.

9 Q. And where were you working?

10 A. Central Park.

11 Q. And what were you doing?

12 A. Face painting and making, shaping balloons.

13 Q. And did you have a permit to be doing that on
14 that date?

15 A. I don't remember.

16 Q. What time did you leave work on that day?

17 A. Um, 5:30.

18 Q. When you left work, where did you go?

19 A. Starbucks. Probably -- I don't remember. I
20 don't remember the date.

21 Q. Now, when you left work, how did you leave work?

22 A. Spaced out. Very tired.

23 Q. And why were you very tired and spaced out?

24 A. Because I hardly did anything. It was a very
25 slow day. I was just --

ALHOVSKY

1 Q. And what part of Central Park were you face
2 painting and making balloons?

3 A. Waullach Walk.

4 Q. And what street is that near?

5 A. It's located between 68th Street and 66th. So I
6 would assume it would be 67th Street?

7 Q. And how were you getting home from work that
8 day?

9 A. I rode a bike. I rode a bike. Biking.

10 Q. And when you say bike, do you mean a regular
11 bicycle?

12 A. Bicycle.

13 Q. And did you have any sort of equipment with you?

14 A. I had a portfolio bag, um, balloons, and balloon
15 pump.

16 Q. And when you say a portfolio bag, approximately
17 how big was this bag?

18 A. Um, it's twenty -- about -- I don't know.

19 This much (indicating)? This big? It fits in the
20 twenty-six by eighteen inches portfolio (indicating) stuff.
21 Sleeves. So it's big.

22 Q. And is it a leather portfolio?

23 A. No. Um, no, it's not.

24 Q. What is it?

25 A. What is this? Gortex or something

ALHOVSKY

1 (indicating)? I don't know.

2 I don't know. I don't know what it's made
3 of.

4 Q. And you said you also had balloons when you left
5 the park.

6 Were they inflated balloons?

7 A. I believe I had some in inflated, maybe two or
8 three, in a shape (indicating) already, but the other ones
9 were not inflated. It was something that was left over from
10 the day.

11 Q. And when you were on your bicycle riding home,
12 where were you carrying the portfolio?

13 A. I had, I had it on my shoulder while I was bike
14 riding (indicating).

15 Q. And where were you carrying the balloon-shaped
16 object that you had left over?

17 A. The inflated balloons?

18 Q. Yes.

19 A. I don't remember. I believe it was tied up to
20 the bicycle (indicating) wheel. Steering wheel.

21 Q. And you said you had a balloon pump on you?

22 A. Yes.

23 Q. And where were you carrying the balloon pump?

24 A. The balloon pump, um, was (indicating), um,
25 attached to my waist. It's -- it was in, that -- what

ALHOVSKY

1 they call it? Fanny pack (indicating)? That bag. Yeah.

2 Q. Was that bag attached to your waist?

3 A. To my waist, yeah (indicating).

4 Q. And did your balloon pump fit entirely into that
5 fanny pack?

6 A. Yes. Except the, um, the, the hose which you
7 would normally attach to the balloon for inflating
8 (indicating).

9 Q. Where was the hose?

10 A. The hose?

11 Sticks out outside (indicating).

12 Q. And what color is the hose?

13 A. It was multi-colored, that rainbow
14 (indicating). What you call this? Um, rainbow
15 (indicating).

16 Damn. I'm getting tired here.

17 How do you call that? The red type.

18 Different color tape.

19 MS. RIVERA: Should we continue this
20 deposition at another time? Are you getting
21 too tired?

22 THE WITNESS: No.

23 MR. ERLANGER: What time is it?

24 MS. RIVERA: It's 12:00.

25 MR. ERLANGER: Do you want to eat

ALHOVSKY

1 A. 5:30.

2 Q. And when you left the park, where did you go?

3 A. Starbucks.

4 Q. And how far away from where you were in the park
5 is the Starbucks?

6 A. Starbucks is located on, um, I believe on 66th
7 Street.

8 I, I am not certain, so it's -- makes it
9 about three, four blocks away from the location.

10 Q. And you say you believe Starbucks is on 66th
11 Street.

12 Do you know what avenue?

13 A. It's on, it's on the Second Avenue (indicating),
14 and -- yes. And either 66th or 67th Street.

15 MS. NEUFELD: Second Avenue, you said?

16 THE WITNESS: It's on Second.

17 MS. NEUFELD: Okay.

18 Q. And how far away is that Starbucks from your
19 apartment?

20 A. Two blocks. Two, three blocks away.

21 Q. Have you ever been to that Starbucks prior to
22 the day that you lost your pump?

23 A. Consistently, yes.

24 Q. Approximately how often do you go to that
25 Starbucks?

ALHOVSKY

1 A. I would say for the past six, seven years
2 steadily.

3 They know that I'm a client.

4 Q. Well --

5 A. I always show up dressed like this, so --

6 Q. And on this particular day, you say you were
7 dressed like a clown, what were you wearing?

8 A. I was wearing the overalls, that patched, um,
9 color patched fashion (indicating). I had a, a tie-dye
10 clown shoes, and, um, and a -- I believe I had a -- I
11 don't remember what kind of shirt I had, but I, I -- other
12 than that, I cannot really recall what the hell I was
13 wearing. I was tired.

14 Q. Was your face painted?

15 A. No. Not, not, not this -- at that time.

16 Q. And did you have any sort of a wig, or anything
17 on your head?

18 A. No.

19 Q. And you said that this Starbucks you've been to
20 consistently for several years.

21 Did you stop in there at least once a day?

22 A. I wouldn't say at -- on a daily basis, but a
23 few times a week.

24 Q. Now, did you go to Starbucks immediately after
25 leaving the park that day?

ALHOVSKY

1 A. Yes.

2 Q. And --

3 A. I was very tired that day.

4 Q. What did you do when you got to Starbucks?

5 A. I, um, purchased a, a coffee, and, and a Danish,
6 and I kind of sat there for a while, because I was just
7 really spaced out, and I was trying to wake up from the day,
8 because I, I just, I just kept falling asleep.

9 I remember I asked for, for a cup of --
10 glass (indicating). Not -- for a cup of ice. Sorry.

11 Q. And did you sit down when you were at the
12 Starbucks?

13 A. Yes.

14 Q. Where did you sit?

15 A. I sat up front, towards the, the entrance
16 (indicating).

17 Q. And was that at a -- one of the, the low tables
18 (indicating) or was it at one of the countertops?

19 A. On the higher -- yeah, the countertop.

20 Q. And is that one of the countertops that faces
21 out the window, towards the street (indicating)?

22 A. Absolutely. Yes.

23 Q. And was the Starbucks crowded when you went in
24 there?

25 A. No, not particularly. I don't think it was.

ALHOVSKY

1 Q. And when you went into Starbucks, what did you
2 bring inside of Starbucks with you?

3 A. Um, I had a balloon pump, which I remembered
4 taking off because it was, um -- it's a heavy pump, and it
5 was constricting (indicating) my comfort. I had to take it
6 off. I took it off. I remember that.

7 Q. And that was in the fanny pack that you were
8 wearing?

9 A. In the fanny pack.

10 Q. And did you bring the portfolio inside with you
11 also?

12 A. Yes.

13 I never leave it outside. For any reason.

14 Q. And where did you place the portfolio when you
15 went into Starbucks?

16 A. On the floor.

17 Q. On the floor near where you were sitting?

18 A. Right.

19 Q. And where did you place the fanny pack?

20 A. Um, I think I, I -- I don't remember, because I
21 have no idea, um, what happened to it, but I, I'm assuming
22 it was (indicating) either left on the seat, in the back,
23 because I, I remember unbuckling it (indicating), so other
24 than that I have no idea.

25 Q. And how long did you stay in Starbucks that day?

ALHOVSKY

1 A. I don't know.

2 Q. Did you finish your coffee and Danish?

3 A. Yes, I did.

4 Q. Do you think you were there for more than an
5 hour?6 A. Um, could be. I, I don't remember what I did.
7 I might also have talked on the phone to somebody.
8 Something must have got my attention off that fanny pack
9 that I left.

10 MR. ERLANGER: Alex.

11 A. I don't remember. I don't remember.

12 Q. And while you were at Starbucks, did, that day,
13 did you talk to any of the employees?

14 A. Uh-uh.

15 Q. (Indicating.)

16 MR. ERLANGER: Yes or no.

17 A. No.

18 I'm sorry. I'm sorry.

19 Q. And while you were at the Starbucks on that day,
20 did you talk to any of the other customers that might have
21 been in there?

22 A. No.

23 Q. And did there come a point that you left
24 Starbucks that day?

25 A. Um-hmm.

ALHOVSKY

1 Q. Was that a yes? Your response?

2 A. Can you repeat the question?

3 Q. Did there come a time when you left the
4 Starbucks that day?

5 A. Yes, I left the Starbucks.

6 Q. And what did you do after you left Starbucks?

7 A. I went home and I fell asleep.

8 Q. And what did you do the next day?

9 A. (No verbal response.)

10 Q. I'm sorry.

11 Withdrawn.

12 When did you wake up?

13 A. I don't remember.

14 Q. Do you remember if it was later that night or
15 the next morning?

16 A. I don't remember.

17 Q. Did you go to work the next day?

18 A. I don't remember that either. I'm not lying. I
19 don't.

20 Q. Now, at some point did you realize that you did
21 not have your balloon pump and fanny pack with you?

22 A. Yes.

23 Q. And when did you realize that?

24 A. Um, it was not the next day or the next day
25 after. It was, um, a few days that I was looking for it. I

ALHOVSKY

1 didn't find it in one day or the second day. Um, and I was
2 looking all over for it, and finally came to the conclusion
3 that it could have been taken out of my apartment through
4 the window, because my window doesn't lock (indicating), and
5 it faces the fire escape.

6 I -- but it's -- it wasn't -- it, it
7 didn't happen on the second day or, or, or the third day.
8 I'm -- I was missing it for a while.

9 In fact, I had to reorder a new one. Like
10 that. Because I couldn't find it anywhere.

11 Q. Well, when did you notice it was missing?

12 A. I don't know for sure, but it's been two days
13 minimum. If not more.

14 Q. It was missing for two days, correct?

15 A. It was missing for two days.

16 Q. But when did you first realize that you didn't
17 have the fanny -- the balloon pump?

18 A. I don't remember.

19 Q. Did you try to go to work the next day?

20 A. I don't remember. If not having the balloon
21 pump would just leave me with the face painting, I might
22 have not. I don't remember.

23 Q. And did you ever go back to the Starbucks to see
24 if you had left your balloon pump there?

25 A. No.

ALHOVSKY

1 Q. And why didn't you go there?

2 A. Because I had no idea I left it there.

3 Q. Did you try to retrace your steps to figure out
4 where you could have left it?

5 A. Yes. Like I said, I came to the conclusion that
6 it was plain stolen out of my apartment through the fire
7 escape, because I had no idea I left it there.

8 Q. You didn't remember going to Starbucks --

9 A. Not a clue at all.

10 Q. You need to let me finish my questions.

11 A. I'm sorry. I'm sorry.

12 Q. You didn't remember going to Starbucks a couple
13 of days before and having the fanny pack and the balloon
14 pump on your person at that time?

15 A. No.

16 Q. Did you go to Central Park to look for your
17 balloon pump?

18 A. Yes. I'm -- I don't remember. I might have.

19 But it was only a few days later when I
20 realized that I don't have it, so I, I think, but I'm not
21 quite sure.

22 Q. Now, between the time that you last recall
23 seeing your fanny pack with the balloon pump and the time
24 that you had the encounter with the police on June 28th, did
25 you go back to Starbucks at all?

ALHOVSKY

1 A. No.

2 Q. So you didn't buy any coffee or anything from
3 Starbucks during that time period?

4 A. No.

5 Q. And aside from thinking that you might have left
6 it at Central Park, was there anywhere else that you thought
7 you could have left the fanny pack and balloon pump?

8 MR. ERLANGER: Objection to foundation.

9 A. No.

10 Q. How much did that balloon pump cost?

11 A. The total is close to eight hundred. Eight
12 hundred bucks.

13 I had, I had extra batteries and stuff.

14 I, I don't remember exactly, but it was
15 expensive.

16 Q. And you're saying you did not go into Starbucks
17 at all between the time you left the balloon pump there and
18 the day that you had the encounter with the police?

19 A. No.

20 MR. ERLANGER: Objection.

21 Asked and answered.

22 Q. Do you get coffee from somewhere else in your
23 neighborhood?

24 A. I don't particularly drink coffee all that
25 often, unless I really need to wake up. I don't. No, I

ALHOVSKY

1 don't.

2 Q. But you previously stated, though, that you went
3 to Starbucks a couple of times a week, correct?

4 A. A couple of times a week, yes. Not on a daily
5 basis.

6 Q. Now, between the day that you last saw your
7 balloon pump and the day that you encountered police
8 officers on June 28th of 2006, did you have any
9 communication with police officers from the New York City
10 Police Department?

11 A. No.

12 Q. Did they ever try to contact you via the
13 telephone?

14 A. No.

15 Q. Did they ever leave messages at your home?

16 A. No.

17 Q. Now, directing your attention to June 28th of
18 2006, did you work on that day?

19 A. I'm sorry.

20 That is the day of my arrest?

21 Yes. Yes, I did.

22 Q. And where did you work?

23 A. I believe it was Central Park.

24 Q. Do you know what part of Central Park you were
25 working in that day?

ALHOVSKY

1 A. It's Waullach Walk.

2 Q. And do you know what time you left work on that
3 day?

4 A. I don't remember the time.

5 Q. And what were you wearing on that day?

6 A. Patched overalls. The same outfit I wore, um,
7 when I was at the Starbucks.

8 Q. And did you have any sort of equipment with you
9 on that day?

10 A. Yes. I had portfolio bag, and, and, um, a
11 different fanny pack with, with a different pump.

12 Q. And this different pump that you had on you, was
13 this another pump that you already had?

14 A. It's slightly different, but it's, it's a pump.

15 Yeah. It's not as, as good pump. As good as a pump.

16 Q. But it was a pump that you owned on the same day
17 that you lost the other pump at Starbucks?

18 A. Repeat the question.

19 Q. Did you own the pump that you had on your -- in
20 your possession on June 28th, did you own that pump on the
21 same day that you lost the other pump at Starbucks?

22 A. In other words, did I buy a new one? Or is
23 that --

24 Q. On the day that you lost your pump --

25 A. Uh-huh?

ALHOVSKY

1 Q. -- at Starbucks --

2 A. Right?

3 Q. -- how many pumps did you own on that day?

4 A. Just -- hold on.

5 I owned one pump, and -- one pump excluding
6 the one that I lost. I had a pump also.

7 MR. ERLANGER: How many did you own?

8 One, two?

9 THE WITNESS: Two pumps.

10 MR. ERLANGER: Fine.

11 That's it. That's the answer.

12 A. Two pumps.

13 Q. And is one of the pumps that you owned the one
14 that you had on your person on June 28th of 2006?

15 A. Yeah.

16 Q. Now, when you left work on June 28th of 2006,
17 how did you leave the park?

18 A. On a bicycle through the 68th Street exit.

19 Q. And when you left the park on your bicycle --

20 A. Um-hmm?

21 Q. -- where were you going?

22 A. Home.

23 Q. And when you say home, exactly where was your
24 apartment?

25 A. It's 65th Street between -- well, I mean

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ALHOVSKY

1 between First and York. 402.

2 Q. And did you stop anywhere prior to going home?

3 A. I don't remember, but I don't know.

4 Q. And what, if anything, happened as you were
5 riding your bike home?

6 A. Um, well, yes, I, for one thing I've noticed
7 that there's about eight blocks of, you know, of like the
8 streets are empty, and I saw governmental, you know, black
9 Blazer cars (sic), you know, like blocking everything, and
10 I --

11 Q. I'm just going to stop you for a second.

12 A. Right?

13 Q. You said about eight blocks.

14 Which eight blocks did you notice that there
15 was no traffic on?

16 A. I would say anywhere from 6 -- anywhere from
17 64th Street and possibly even after the 67th. It was just
18 very isolated and empty (indicating).

19 Q. Down the streets or on an avenue?

20 A. Oh, there was avenues.

21 Q. Which avenues were empty?

22 A. I start noticing it on, um, on the Fifth Avenue,
23 I, I believe I saw the first sign that the streets were
24 blocked on the Six -- on the Fifth Av, and then as I was
25 just going down the -- you know, 67th Street, I believe it

ALHOVSKY

1 was 67th Street, I noticed that the streets from somehow,
2 somehow isolated. Which was very strange.

3 Q. And so what happened while you were riding your
4 bike home?

5 A. Um, nothing. As, like I said, I'm, I'm a clown,
6 so I'm always kind of like, you know, it's always like a
7 happy thing, because I know people are smiling, and I had
8 some balloons (indicating) on my head, and, you know,
9 shaped, and, so, I was kind of -- I wasn't really paying
10 much, too much attention, or thinking that it could be in
11 regards to me.

12 Q. And where specifically were you riding your
13 bike?

14 A. Um, it was either 66th or 67th Street. It
15 was -- I -- well, I don't remember exactly the, the street
16 corners (indicating) at that -- it's either that or that.
17 66th or --

18 Q. And you were riding your bike heading eastbound?

19 A. Eastbound. Home.

20 Q. And what happened while you were heading home?

21 A. I was, I was arrested. I got arrested.

22 Q. Now, how exactly -- what happened that you got
23 arrested?

24 A. I was approaching, which I believe was, yeah,
25 the First Avenue, um, while I noticed, um, um, a, I think it

ALHOVSKY

1 was like two bicycle -- cops with the bicycle, which were a
2 little bit further (indicating) from me, and I couldn't
3 quite understand what they were screaming or they were
4 addressing to me.

5 Then I saw a shadow (indicating) over, you
6 know, some, some dark shadow approaching me, and hitting me,
7 so I fell off the bike (indicating).

8 And then the bicycle -- the, the, the cop
9 (indicating) that had -- that was riding bicycle
10 (indicating), I saw his, his face (indicating) first,
11 because he was the most loudest. He was screaming at the
12 top of his lungs, holding a barrel (indicating), um, that
13 he's going to fucking blow my fucking head off, and, um --
14 that was a shock, and I -- like since, since that was
15 happening, I, I remember finding myself on the ground with
16 somebody having his knee on my face, and my hair being
17 pulled up (indicating) afterwards, and pressed against the
18 shop window of Chirping Chicken.

19 I remember being hit from the, um -- that
20 side (indicating), and --

21 Q. You're indicating the right side of your body?

22 A. The right side of my body.

23 I remember the, the most of the, the, the
24 during the fall, it went over to the shoulder area
25 (indicating), so I fell on the shoulder, so that was kind of

ALHOVSKY

1 like either dislocated or something, because I felt it was,
2 it was -- I -- I'm hit.

3 Like I'm -- this part was the most
4 (indicating).

5 Then I felt something to the area of the
6 kidneys, which kind of -- was very painful, and totally
7 woke me up.

8 And at that point I realized that something
9 really bad's happening to me, and I might not even survive
10 this. Let alone the fact that the barrel's (indicating).
11 You know.

12 Q. When you say a barrel was pointed to your head,
13 do you mean a gun was pointed to your head?

14 A. Right (indicating) -- like I saw the darkness
15 of the barrel.

16 And the guy was just screaming nonsense to
17 me.

18 Q. And this was while you were on the floor?

19 A. No. It was before.

20 Whatever happened after the barrel
21 (indicating) is the fact that I was on the ground already.

22 And I -- it wasn't just one guy. It was at
23 least three. If not more.

24 Q. That were pointing guns at your head?

25 A. No. The -- I believe there was two guns

ALHOVSKY

1 pointing in my face, but the, the people that, that took --
2 that arrested me was at least three people. All together.
3 Or, if not, more.

4 Q. But there were at least two guns pointed at your
5 head?

6 A. Yes. Absolutely.

7 Q. And these two guns were pointed at your head
8 before you were knocked off your bicycle?

9 A. I do remember his -- he was -- he had a gun in
10 his hand (indicating) before I, um -- I was still riding.

11 And then I remember turning around
12 (indicating) because I didn't quite think he was referring
13 to me, or I couldn't really see his face (indicating), um,
14 expression, so I turned around, I remember, and I was
15 approaching him kind of slowing down, like.

16 I just -- and I just understood that could
17 be relevant to me as well.

18 Q. Now, when you were riding your bike, did you
19 ever hear police officers tell you to stop riding your bike?

20 A. No.

21 Q. Did you ever hear anyone identify themselves
22 as --

23 A. No.

24 Q. -- members --

25 Excuse me. I have to finish my question.

ALHOVSKY

1 A. I'm sorry.

2 Q. Did you ever hear anyone identify themselves as
3 members of the New York City Police Department?

4 A. No.

5 Q. So did you ever stop riding your bike prior to
6 your encounter with the police officers?

7 A. No.

8 Q. While you were riding your bike, did you see
9 police officers outside?

10 A. I saw police officers, um --

11 Hold on one second.

12 I know for a fact that I saw the cars. The
13 police cars were all over. I went passing them. I went all
14 the way to the First Avenue, passing all those cops.

15 So I definitely saw the cars. And I saw them
16 that distance. I suppose I never saw anybody up close
17 (indicating).

18 Q. Now, were you aware that you were being followed
19 by the police?

20 A. No.

21 Q. And you said you called the area -- you saw it
22 as a security zone?

23 A. Huh?

24 Q. When you were driving through, you said you saw
25 a cleared security zone through the police officers?

ALHOVSKY

1 A. I wasn't aware that I was entering any kind of a
2 zone. A Blazer (indicating) was on -- all -- it was
3 equally on the right and the left side (indicating). But I
4 crossed the street on the bicycle, and I just wound --
5 kept, kept on going.

6 Q. And while you were riding, although you saw
7 police cars and police there, there were, in fact, other
8 cars out on the street, too, weren't there?

9 A. Not that way of blocking the street or avenues.
10 Those are -- those were the cars that were blocking them.

11 Q. But there were cars, other cars, on the streets?

12 A. Parked?

13 Yes.

14 Q. And there were actually other pedestrians on the
15 street?

16 A. Um, could be. I'm not sure, but, um, what
17 really -- I, I kind of understood that it was a little
18 isolated. It appeared to be isolated.

19 Like I just -- I really felt that they, they
20 might have blocked this whole area. The whole area
21 (indicating). It was an idea.

22 Q. But you don't know for a fact whether this area
23 was blocked?

24 A. No. No. No.

25 I didn't feel that -- you know. Not, not a

ALHOVSKY

1 clue.

2 Q. And you said that you saw, what, two police
3 officers on bicycles in front of you (indicating)?

4 A. It was a lot more. It was just -- I believe
5 there was two, but one of them, um, dropped the, the bike
6 (indicating), and turned into my direction, so -- but he
7 was still that distance, and I could not really understand
8 what's, what's going on.

9 Q. Well, were they ahead of you, and you were
10 heading towards them?

11 A. Towards them, yeah.

12 Q. And they were heading towards you (indicating)?

13 A. Well, he start moving towards me.

14 Q. And this is the one that dropped his bicycle?

15 A. Yeah.

16 Q. And started moving towards you on foot
17 (indicating)?

18 A. Right.

19 Q. And is this the same one that put a gun in your
20 face?

21 A. Right.

22 And very crazy, loud guy.

23 Q. And then you said you were tackled from the
24 side?

25 A. From the side.

ALHOVSKY

1 Q. And about how many people did you feel tackled
2 you from the side?

3 A. That I don't know. I, I fell off the bike.

4 Q. Now, when you fell off the bike, was -- where
5 was your fanny pack?

6 A. On me.

7 Q. And where was your portfolio?

8 A. On my shoulder.

9 Q. So when you fell off the bike, you still had
10 your fanny pack on you, and your portfolio on your --

11 A. And --

12 Q. -- shoulder?

13 A. Yes.

14 Q. You need to let me finish the question.

15 A. Sorry.

16 Yes.

17 Q. And did you still have your portfolio and your
18 fanny pack when you say that officers started pulling your
19 hair and kicking you?

20 A. I am not sure.

21 I, I don't think I had -- no. Excuse me.

22 I still have the fanny pack, but the
23 portfolio bag was no longer on my shoulder. I think I
24 dropped it.

25 Q. And when you were allegedly slammed into the

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ALHOVSKY

1 window at the Chirping Chicken, were there people inside of
2 the store?

3 A. Yes. I distinctively remember the owner looking
4 at my face and we -- our eyes (indicating) touched, and she
5 had this expression on the face which is quite memorable.
6 Why. Or what's going on.

7 Q. Did any of the people that were inside of the
8 Chirping Chicken come outside while this was happening?

9 A. No.

10 Apparently, from the testimony of the
11 Chirping Chicken staff, some of them were actually -- they
12 were pushed towards the kitchen, because they were told that
13 I'm carrying an explosive on me.

14 Q. Did you get the names of any of the people that
15 were inside of the Chirping Chicken?

16 A. Yes. The manager and the owner. Which are
17 very -- they're eager to testify as witnesses.

18 Q. So after this incident, you went back to the
19 Chirping Chicken to talk to the employees that may have
20 witnessed what occurred that day?

21 A. No.

22 Q. Well --

23 A. I never went to the Chirping Chicken on that
24 day.

25 Q. How did you get the names of the manager and --
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ALHOVSKY

1 A. I went few days after, um --

2 Also, I knew their names prior to the
3 incident, because Chirping Chicken is a good place to get
4 chicken, and I, and I know that the owner's from Greece, and
5 I love Greece. We are kind of friendly.

6 Q. So you did go back to the Chirping Chicken after
7 this incident?

8 A. Yes.

9 To ask them whether or not they could be
10 assisting to this matter.

11 Q. And you said you have two people that are
12 willing to, to testify?

13 A. I have lot more, but those are the two that
14 actually saw what, what happened.

15 Q. Okay. And what are the names of those two
16 people?

17 A. Um, it's Teddy and Maria.

18 Q. And do you have their last names?

19 A. I don't have their last names.

20 MS. RIVERA: Well, Counsel, we're going
21 to ask for production of that as well. That
22 information.

23 Their names were not provided in the
24 additional disclosures.

25 MR. ERLANGER: If he can get it, he can

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ALHOVSKY

1 get it. I mean, you know, if I'm going
2 to -- I think we listed Chirping Chicken
3 employees on the initial disclosure.

4 Q. Now, after the officers allegedly slammed you
5 into the window of the Chirping Chicken, what else happened?

6 A. Well, I was placed in a car. Um, I -- in the
7 back of a car for what seemed to me forty minutes to an
8 hour. I was there a long time.

9 Um, and in the meantime I was courteously, I
10 emphasize very courteously, asking for the reason of this,
11 and nobody would talk to me. They would just curse me out
12 and tell me to shut the fuck up.

13 Q. And this was while you were handcuffed and
14 seated in the police car?

15 A. Yeah.

16 I was left alone there. There was nobody in
17 the car. I sat there for this time, watching how they're
18 surrounding my, um, fanny pack and the portfolio bag with
19 the yellow tape (indicating). And, and evacuating the
20 people around.

21 Q. Now, after this incident in front of the window
22 where your head was allegedly slammed to the Chirping
23 Chicken, did they handcuff you at that point?

24 A. Yes.

25 Q. And then they placed you that car?

ALHOVSKY

1 A. Right.

2 Also, I'd like to mention, I, I didn't have
3 my -- my pants fell down, um, and part of the underwear
4 also fell down, so I was partially exposed (indicating),
5 and, um, I clearly remember there was all those -- some of
6 my clients were there. The kids. And I happened to be
7 their favorite clown, and it was very, very shameful. For
8 them to see me. In the middle of this.

9 Q. And where were these kids? These clients? In
10 the Chirping Chicken?

11 A. They -- no. They were on the opposite side of
12 the street.

13 And one of them screamed, that's, this is
14 Sasha. Look at him. Sasha.

15 Q. And did the officers say anything to you after
16 they stopped you?

17 A. No. They were just kicking me. And I was
18 trying not to fall, because the pants were dragging, it was
19 overalls, they're, they're big, and the, um (indicating) --
20 I don't know how you call it. The --

21 MR. ERLANGER: Suspenders.

22 THE WITNESS: Not suspenders.

23 Something that keeps the overalls
24 (indicating).

25 A. There was just (indicating.)

ALHOVSKY

1 Making it hard to walk. You know. In other
2 words, I could not move as fast as they pushed me, so I kept
3 falling.

4 MR. ERLANGER: Off the record.

5 (Whereupon, an off-the-record discussion
6 was held.)

7 MR. ERLANGER: Back on.

8 A. Straps.

9 Q. So you were wearing --

10 A. Overalls.

11 Q. -- overalls on the date that you had this
12 incident with the police?

13 A. Yes.

14 Q. Now, how long were you sitting in the back of
15 the police car for?

16 A. Anywhere from forty minutes to an hour. It was
17 a very long, exhausting time. With no air conditioning.
18 And I was freaking out. I could not talk to anybody, nobody
19 would talk to me.

20 Q. What happened after you were sitting in the car
21 for that time period?

22 A. After?

23 O. Yes.

24 A. I was brought to the 19th Precinct.

25 O. And what happened at the 19th Precinct?

ALHOVSKY

1 A. They locked me in a, that room, um, all by
2 myself, for a very, very long time.

3 Q. And did there come a point in time when they
4 came back to talk to you?

5 A. I observed there was two police officers coming
6 and going, one was acting very rude and was very mean to me,
7 one -- the other one seemed to be more sensible, and even
8 offered me a cup of coffee. Which I was very grateful that
9 somebody finally start talking.

10 Q. And do you know the name of either of those
11 officers?

12 A. I know one. The name of one officer is Ryan.

13 Q. And do you remember, was he one of the ones --
14 was he the one that asked you if you wanted coffee?

15 A. That I don't remember.

16 Oh, yeah. He was the one who, who brought me
17 the coffee.

18 Q. Okay.

19 A. Yes.

20 Q. And what happened after he brought you coffee?

21 A. Um, I was also -- I was informed by either one
22 of them that I -- they, um, they don't want to disclose any
23 information about my arrest.

24 The, the mean guy told me that, um, when I
25 asked him about like could you give me a hint at least, is
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ALHOVSKY

1 this like a murder, rape, or something, his exact answer is
2 you're in far deep shit than this, buddy, and you're going
3 in for life.

4 And then he left (sic).

5 Q. After he left, what happened?

6 A. I was just sitting there, freaking out. My, you
7 know, pulling out the overalls (indicating). And just
8 really, really hoping that somebody would ask me any kind of
9 questions.

10 Q. What --

11 A. You know. Like if I could just get this
12 nightmare to be over with sooner or later, and my mind was
13 racing, my heart was pounding. I was just really, really
14 getting tired.

15 Q. Well, did there come a point when somebody
16 actually came in and started asking you questions?

17 A. Yeah. One of the cops told me that they're like
18 expecting a bigger fish, or an FBI or CIA guy. Which
19 eventually happened.

20 Q. They told you they were bringing in the FBI or
21 the CIA?

22 A. Yeah. Yeah.

23 Q. Okay. And aside from telling you that they were
24 bringing the FBI or the CIA, did they say anything else to
25 you?

ALHOVSKY

1 A. No. Sit. Sit tight there, bud.

2 Q. And what happened?

3 A. Nothing. They, they would totally ignore my
4 attempt to communicate to them.

5 Q. Well, was there a point in time when you talked
6 to somebody?

7 A. Yes. It was the guy with a different badge,
8 dressed in a suit, which totally really looked like some
9 sort of a, a different agency type of -- or employee, and
10 he was the one who start questioning. Not -- you know.
11 Not, not necessarily any of those guys.

12 Q. And did he tell you he was from the FBI or some
13 other agency?

14 A. He might have mentioned, but I, I, I didn't
15 recall anything in particular. He, he -- it was brief and
16 fast.

17 And I remember his badge was (indicating)
18 kind of gold. Like. And it was different. It wasn't a cop
19 badge. And he had it kind of like hanging out. Like a
20 wallet (indicating).

21 Q. And --

22 A. I, I was really not all together and paying
23 attention to me. It was like what's going to happen to me.

24 Q. Well, did he start talking to you about what
25 happened?

ALHOVSKY

1 A. Yes. He asked me -- I think it was like two
2 questions. Where -- what is this, and where did you get
3 it.

4 Q. And when he asked you what is this, was he
5 specifically referring to your balloon pump?

6 A. Yes.

7 Q. And when he asked you about the device, did he
8 refer to it as a balloon pump?

9 A. No, I don't think he, he did.

10 Q. So when he asked you what is this, what did you
11 tell him?

12 A. I told him that I -- it's a balloon pump, and I
13 named him the website where you can buy it.

14 Q. And what happened after that?

15 A. Well, they start looking for computers who have
16 the Internet, and it seems to be still a problem at the 19th
17 Precinct, so finally they, they accessed the website,
18 and -- where the -- not only the pump, it totally
19 (indicating) showed, um, you know, how it's constructed.
20 It's -- it -- you know. It was very vividly presented.

21 Q. And were you there while they were looking at it
22 on the Internet?

23 A. Yes. I remember seeing it on the computer
24 screen (indicating).

25 Q. And it's at that point that you, that you
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ALHOVSKY

1 informed them that it was, in fact, a balloon pump that you
2 had on your person that day, correct?

3 A. (No verbal response.)

4 MR. ERLANGER: Just off the record.

5 (Whereupon, an off-the-record discussion
6 was held.)

7 MR. ERLANGER: Back on.

8 Q. So where was the computer?

9 A. The computer was outside the solitary. I was
10 kept in a different room for all this time.

11 Then they decided to let me out and
12 acknowledge that this is the, the website.

13 Q. But it was in the 19th Precinct?

14 A. Inside the 19th Precinct.

15 Q. And you showed them a website for --

16 A. Um-hmm.

17 Q. -- the pump --

18 A. Yes.

19 Q. -- that you had on you the 28th or the balloon
20 pump that you lost at Starbucks?

21 A. Oh, on the 28th -- on -- I referred them to
22 this specific question of what the hell is this thing.

23 Q. And when you say, is this thing, what were they
24 showing you? What you had on you on the 28th or what you
25 lost at Starbucks?

ALHOVSKY

1 A. What I lost in the Starbucks.

2 Q. So you showed them the website for the
3 device --

4 A. Right.

5 Q. -- that you --

6 You showed them the website for the device
7 that you lost at Starbucks days earlier?

8 A. Yes.

9 Q. And prior to you showing them that website, did
10 they ever use the term balloon pump?

11 A. I don't recall that.

12 Q. Now, after you showed them the website, what
13 happened?

14 A. Um, they, they seemed to be relieved. And it
15 was -- they -- yeah. They, they -- I didn't see the, the
16 FBI -- or whatever, the CIA guy. He kind of went his own
17 way.

18 But I was placed back in a room, and -- for
19 another period of time. After that, um, Ryan asked me if I
20 want to sign some sort of a, um, a request to come and
21 search my apartment, and, um, and I said sure, and then he
22 said something to the regards that if you -- if I try not
23 to give him the permission of coming to my apartment, they
24 would get it anyhow, it would only take longer, and I would
25 be completely exhausted sitting in this room by that time.

ALHOVSKY

1 So it only works better if I'll give them the authorization
2 to come to my apartment.

3 Q. So you signed a consent to search form?

4 A. Right.

5 Q. And did the detective tell you why they wanted
6 to search your apartment?

7 A. They said that, because of the, the terrorists
8 condition, they have to complete this whole matter by making
9 it like a thorough search inside my apartment.

10 And they started asking me whether or not I
11 have weapons, drugs, and stuff like this inside of my
12 apartment, and I said you're welcome to come in and find
13 out. I don't.

14 Q. Did they tell you at this point that they had
15 believed that a bomb was left at the Starbucks?

16 A. No.

17 I had no idea. I, I had no idea why they
18 even talking about it. Not only that. I didn't -- I still
19 didn't know that I -- somebody -- like I didn't know where
20 the hell I left it.

21 When I, when I realized that they were
22 talking about the -- I realized they found it, and my first
23 thought was, they found it in Central Park. I, I had
24 completely no idea I left it in the Starbucks.

25 Q. Did the officers ever tell you they wanted to

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ALHOVSKY

1 confirm that the, that the balloon pump that they showed
2 you, the one that you had lost, was not left to -- in a
3 specific area to make people believe it was a bomb?

4 MR. ERLANGER: Objection to form.

5 A. I'm not sure I understand the question.

6 One second. Let me see.

7 Can you repeat the question?

8 Q. Did the officers ever tell you they wanted to
9 confirm that your balloon pump wasn't left out for other
10 people to believe it was a bomb?

11 A. No.

12 Q. And when you were stopped by the police on the
13 28th and you had your fanny pack on you, with the balloon
14 pump, did you ever tell the officers that you were carrying
15 a balloon pump?

16 A. Yeah -- hold on one second.

17 Repeat the question.

18 Q. When you were stopped on June 28th --

19 A. Um-hmm?

20 Q. -- and you had your fanny pack on you, did you
21 inform the police officers that you were carrying a balloon
22 pump in your fanny pack?

23 MR. ERLANGER: Objection to form.

24 A. No. I, I didn't have time to say anything.

25 They was just quick.

ALHOVSKY

1 Q. Did they ever take the fanny pack off of you?

2 A. Yes.

3 Q. When?

4 A. It was only after I was -- I had the handcuffs
5 on.

6 I would only, I would only even add to the
7 fact that I was brought to the ground and stepped on while
8 having this fanny pack on. Which that would be a problem.
9 It shouldn't be a way to go around it, I don't think.

10 Q. So after you were standing next to the Chirping
11 Chicken, you were handcuffed and then your fanny pack was
12 removed?

13 A. Yeah. I believe that was the, the way it went.

14 Q. And after your fanny pack was removed, is that
15 when you were then placed into the police car?

16 A. Um-hmm.

17 Q. Is that --

18 A. Yes. Yes.

19 I'm sorry.

20 Q. Okay.

21 Now, do you think that a person who's not
22 trained in using a balloon pump would look at the balloon
23 pump that you left behind and think it was a balloon pump?

24 MR. ERLANGER: Don't -- I'm instructing
25 you not to answer the question.

ALHOVSKY

1 That's not a fact question. You're
2 asking him a hypothetical. He's not an
3 expert witness.

4 Q. Where exactly is the Starbucks located?

5 A. I believe it's in either 66th or 67th Street and
6 Second Avenue.

7 Q. It's not on Third Avenue?

8 A. Let me think, think, think, think, think. One
9 second.

10 It's on Third Avenue. I'm very sorry. It is
11 on Third Avenue. It's not on Second. It's on Third. Yes.

12 Q. Now, did you know that the 19th Precinct is
13 located on 67th Street and Third Avenue?

14 MR. ERLANGER: Well, objection.

15 It's one thing, it's not exactly where
16 it's located.

17 A. Yeah.

18 I don't know where exactly. I think it's
19 68th Street. That's where it was. The 19th is.

20 Q. On Third Avenue?

21 A. That's somewhere on Lexington. Lexington and
22 Third? Something like that.

23 Q. And did you know that the Russian embassy is
24 located on 67th Street, between Third and Lexington?

25 MR. ERLANGER: Objection.

ALHOVSKY

1 It's not the Russian embassy.

2 A. I don't. I don't know.

3 Q. And do you know where Hunter College is?

4 A. Yes.

5 0. And where is that located?

6 A. It's on Lexington Avenue and around 68th
7 Street.

8 Q. Now, when you initially encountered the police
9 officers near the Chirping Chicken, approximately how many
10 police officers do you think made physical contact with you?

11 A. None.

13 A. None. No.

14 O. No officers made physical contact with you?

15 A. Prior to --

16 Repeat the question. I'm not sure.

17 Q. When you encountered the police on June 28th of
18 2006 outside near the Chirping Chicken, approximately how
19 many officers made physical contact with you?

20 A No -- none of them. No.

31 0 No officers?

22 A No

23 MR. ERLANGER: Alex, do you understand
24 the question?

25 THE WITNESS: Well, other than the people
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ALHOVSKY

1 who arrested me, did I ever have any contact
2 with --

3 MR. ERLANGER: That -- look. Just
4 listen to the question. She asked you --
5 she didn't qualify it as to arrest. How
6 many police officers do you believe made
7 contact with your body outside the Chirping
8 Chicken.

9 THE WITNESS: Oh, that is the question.

10 MR. ERLANGER: That's exactly what --
11 well, what she asked, more or less.

12 A. I'm sorry. I'm sorry.

13 I believe either four or five.

14 Q. Okay.

15 A. Four or five.

16 Q. And to the best of your recollection, none of
17 the officers said anything to you before making physical
18 contact with you?

19 MR. ERLANGER: Objection.

20 Asked and answered.

21 You can answer again.

22 A. Yes. I, I was told that I will have my fucking
23 head blown off. That's, that's about all I heard.

24 Q. And while you were involved with the police
25 outside of the Chirping Chicken, did you complain to

ALHOVSKY

1 anybody?

2 A. After the incident?

3 Q. During the incident. Or while you were still
4 outside.

5 A. No.

6 I, I was in shock.

7 Q. And when you were handcuffed by the police
8 officers, did they handcuff you in the front or in the
9 back? Your hands? Were they placed in front of you or
10 behind you (indicating)?

11 A. Back.

12 Q. And did you try to prevent the officers from
13 handcuffing you?

14 A. No way.

15 I was very, very -- following whatever they
16 wanted me to do, because I really just wanted them to stop
17 hurting me.

18 Q. Was there --

19 A. No. No. Never. I, I was, I was very given in
20 (indicating), so -- it was scary.

21 It was scary.

22 Q. Did there come a point in time when your
23 handcuffs were removed?

24 A. Inside the 19th Precinct.

25 Q. When you first got to the 19th Precinct?

ALHOVSKY

1 A. I -- to be honest with you, I don't remember
2 that part. I don't remember.

3 Q. When you were taken to the precinct, were you
4 taken to the precinct in that same car that you had been
5 sitting in?

6 A. Yeah.

7 Q. And how many police officers got into that car
8 with you?

9 A. Two.

10 Q. And where were they seated?

11 A. In the front.

12 None of them wanted to talk to me.

13 Q. Did you try speaking to any of the officers?

14 A. Do what?

15 Q. Did you try speaking --

16 A. Speaking?

17 Q. -- speaking to any of the officers.

18 A. Yes. Yes.

19 I was trying to ask them very nicely why is
20 this happening.

21 Q. And did they respond to you at all?

22 A. In a rude manner, yes.

23 Q. And what did they say?

24 A. Sit tight. Something like that. With the
25 cursing. Everything that they said ended up with just kind

ALHOVSKY

1 of like shut the fuck up things.

2 Q. When you arrived at the precinct, were you --
3 you said you were placed in a room?

4 A. Yeah.

5 Q. Were you placed in a cell?

6 A. No. It, it was a room with a table, and I
7 believe it had some glass (indicating). All over the
8 place.

9 Q. Glass or mirrors?

10 A. That I -- it was not transparent.

11 Q. You couldn't see through (indicating)?

12 A. I couldn't see through.

13 Q. And were you handcuffed while you were in that
14 room?

15 A. At one point I wasn't, because I was having
16 coffee, but prior to that, I don't remember. I, I can't
17 tell.

18 Q. And while you were seated in that room, did you
19 have any property on you?

20 A. No.

21 I, I might have. I was very uncomfortable.

22 No, no -- nothing. Well, I had my -- they
23 took off the -- this -- the shoelaces (indicating). I was
24 just -- no property on me. Nothing.

25 Q. Nothing in your pockets?

ALHOVSKY

1 A. No.

2 They took everything out of my pockets.

3 Including only -- like everything. If I even had
4 anything.

5 Q. And were you photographed at the precinct?

6 A. I don't remember. I'm not sure.

7 Q. Were you fingerprinted at the precinct?

8 A. You know what? I don't, I don't think I was.

9 No.

10 Q. Were you searched at the precinct?

11 A. Yeah.

12 Q. And who searched you?

13 A. The police officer. At -- well -- hold on one
14 second.

15 I had my pants down, there was really nothing
16 in the pockets, um, they took out the shoelaces, they, they
17 did a brief search. It wasn't anything -- it was just
18 (indicating). You know.

19 Q. Like a pat-down --

20 A. Um-hmm.

21 Q. -- search?

22 A. Yeah.

23 Q. And this was at the precinct?

24 A. Um-hmm.

25 Q. Is that yes?

ALHOVSKY

1 A. I cannot tell you for a fact was it outside or
2 the precinct.

3 I was in a state of shock. It was hard.

4 It's hard to remember right now. Everything is like, you
5 know, what the heck.

6 Yes, so I don't remember.

7 I'm sorry.

8 Q. And how long were you at the police precinct
9 for?

10 A. I -- it was a very long time. And I don't
11 know. I didn't have the watch on.

12 But it was exhausting.

13 Q. Do you know what time --

14 Were you released that night?

15 A. Yeah. It was dark outside.

16 Q. Do you know what time it was when you got home?

17 A. No idea. No, I don't.

18 I, I do think it was, maybe around 10. I
19 think. I, I have to kind of remember that.

20 Q. And when the officers went to search your house,
21 did you go with them?

22 A. No. I was told to stay outside, down the, the
23 flight of stairs, and, and I really don't know -- just down
24 the flight of stairs so I wouldn't really have any idea of
25 what's going on (indicating).

ALHOVSKY

1 Q. So you went to the building with the officers?

2 A. Yes. They took me to the building.

3 Q. And did some -- did another officer stay with
4 you down the stairs while --

5 A. Yes. Yes.

6 The other officer told me that I should stay
7 here.

8 Q. Did an officer, in fact, stay with you?

9 A. Yes.

10 Q. And then how many officers went up to your
11 apartment?

12 A. I don't know. I'm under the impression it was
13 either two or three. I know that there was two cops
14 standing, staying with me at the time.

15 Q. Okay.

16 A. It wasn't just one officer. It was two.

17 Q. Were you handcuffed?

18 A. Um -- no, I wasn't handcuffed.

19 Q. And about how long were the officers inside of
20 your apartment, searching?

21 A. Maybe an hour?

22 Q. And did they take anything out of your
23 apartment?

24 A. Yes. They found a wallet that I found by Bath
25 and Beyond which were belonging to some, some girl that I

ALHOVSKY

1 was trying to return it, but she lives on York Avenue and
2 she doesn't live there anymore, so I was like, you know, if
3 you guys can find that person, you can take that wallet.
4 You know.

5 Q. And that was all they took?

6 A. Yeah.

7 Q. And after they searched your apartment, were you
8 able to go back into your apartment?

9 A. Um-hmm.

10 Q. Yes?

11 A. Yes. Yes. Yes.

12 I'm sorry.

13 Q. And you didn't have to go back to the precinct?

14 A. No. No.

15 No? Did I have the paperwork? I don't -- I
16 think I already had the paperwork on me. I'm not sure.

17 But I -- I don't think I went back to the
18 precinct. I don't think I went back to the precinct.

19 Q. Did you sustain any physical injuries on June
20 28th of 2006?

21 A. Yes. My shoulder was, um, bruised up, and it
22 was constricted in, in a movement, because I couldn't really
23 left -- leave it. It was just painful here (indicating).

24 And --

25 MR. ERLANGER: Showing the top of his

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EXHIBIT 2

EXHIBIT 3

